

MINUTES
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
UTAH WATER QUALITY BOARD
168 North 1950 West
Salt Lake City, Utah 84116
November 17, 2006
1:00 PM

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Daniel Snarr	Paula Doughty
Joe Piccolo	Jay Olsen
Leland Myers	Ron Sims
Darrell Mensel	Neil Kochenour

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Walter Baker, Faye Bell, John Whitehead, Shelly Quick, Judy Etherington, Ed Macauley, Emily Canton, Rob Herbert, Harry Judd, Svetlana Kopytkovskiy, Steve Palmer, Woody Campbell

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
Tim Beavers	Interested Citizen
Tim Jones	Jones & DeMille Engineering
Scott Everett	UDEQ
Brent Everett	DEQ/DERR
Tim Blanchard	DAQ
Stan Alvey	Hanksville Town
Curtis Whipple	Hanksville Town
Tom Bingham	Utah Manufacturers Association
Gerald Mason	Dugway Proving Ground
Orlando LaFontaine	East Carbon City
Debra Meyer	USDA, Rural Development
Bonnie Carrig	USDA, Rural Development

Legislative Update: Walter Baker briefly presented to the Board some of the upcoming issues being presented to the Legislature.

Chair Piccolo called the Board meeting to order at 1:10 p.m. He welcomed those in attendance and invited the members of the audience to introduce themselves.

Chair Piccolo invited Tim Beavers to come forward. In recognition of Mr. Beavers service to the Water Quality Board over the past 20 years as a staff member of DWQ Chairman Piccolo presented him with a clock.

APPROVAL OF MINUTES OF THE OCTOBER 20, 2006 MEETING

Motion: **It was moved by Mr. Myers and seconded by Mr. Sims to approve the minutes of the October 20, 2006 Board meeting as written. The motion was unanimously approved.**

RULEMAKING

Request to Initiate Rulemaking on R317-11, Administrative Rules: “Certification Required to Design, Inspect and Maintain Underground Wastewater Disposal systems, or conduct Percolation and Soil Tests for Underground Wastewater Disposal Systems.” Ms. Etherington explained to the Board that the CLEHA Onsite Wastewater Partnership (COWP) has proposed revisions to the current *Utah Administrative Code R317-11*. COWP noted that the current rules are vague and allow for a wide interpretation when determining an individual’s qualifications as an onsite professional. The objective has been to clarify the guidelines and procedures used by staff of the Division of Water Quality as they implement the legislation of Section 19-5-121. Mr. Myers asked Ms. Etherington a number of questions concerning the changes as to why professional engineers were not exempted from taking the test to certify.

Motion: It was moved by Mr. Myers and seconded by Mr. Olsen to approve staff’s request to proceed to public notice the proposed changes to *R317-11*. The motion was unanimously approved.

Request to initiate Rulemaking to R317-6, Administrative Rules for Ground Water Quality Protection: Ms. Quick explained to the Board the purpose of this rule making is to establish a framework of policy and procedure by which the local City/County Health Departments (LHDs) can assume regulatory oversight for petroleum releases from transportation-related spills and other unregulated petroleum releases. The proposed rule will define soil petroleum standards for environmentally sensitive and non sensitive areas. The rule should not place additional burdens on the regulated community as they are currently required to clean up petroleum releases in soil and waters of the state. Scoping meetings have been held with the LHD directors and staff comments were received and incorporated into the draft rules, including MOU with the LHDs and Attachment A.

Motion: It was moved by Ms. Doughty and seconded by Dr. Kochenour to approve staff’s request to proceed to public notice on initiating rulemaking on R317-6 Administrative Rules for Ground Water Quality Protection. The motion was unanimously approved.

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Request to Initiate Rulemaking for R317-12, General Requirements: Tax Exemption for Water Pollution Control Equipment: Mr. Macauley presented to the Board the proposed new rule, UAC R317-12. He explained that the new rule replaces an existing Air Quality regulation: *R307-120. General Requirements: Tax Exemption for Air and Water Pollution Control Equipment*, and that the purpose of the new rule (R317-12) is to allow the Division of Water Quality to have rules independent from the Division of Air Quality. There are no substantive changes in the scope or intent of the proposed rule from the current Air Quality regulation, other than the separation of the rule into its two component parts: air quality and water quality. Tom Bingham of the Utah Manufacturers Association voiced his support for the proposed rule.

Motion: It was moved by Dr. Sims and seconded by Dr. Kochenour to approve staff’s request to proceed to public notice to initiate rulemaking of *UAC R317-12, Tax Exemption for Water Pollution Control Equipment.* The motion was unanimously approved.

LOAN PROGRAM

Financial Assistance Status Report – Ms. Canton updated the Board on the “Summary of Assistance Program Funds” as outlined on page 3.1.

Request for approval of East Carbon City Loan request: Mr. Macauley introduced Mayor Orlando La Fontaine from East Carbon City. Mr. Macauley explained to the Board that the Bond Counsel representative had been changed from Richard K. Chamberlain to Ballard Spahr. East Carbon is requesting the Board to refinance the remaining principal of its wastewater loan originally authorized by the WQB on March 17, 1995. East Carbon is requesting funding assistance in the amount of \$900,000 with a 0% interest rate and a repayment period of 30 years. After reviewing the Special Conditions, the Board noted a correction to the wording on item number 3, which read, “This authorization is subject to all other state funding agencies (Utah Board of Natural Resources and Permanent Community Impact Board),” should read (Utah Board of Water Resources and Permanent Community Impact Board).

Motion: **It was moved by Mr. Myers and seconded by Mr. Mensel to approve staff’s recommendation to authorize a \$900,000 loan for a term of 30 years at an interest rate of 0% to the City of East Carbon, along with the special conditions, to refinance its existing wastewater loan. The motion was unanimously approved.**

Hanksville request for emergency funding: Mr. Macauley introduced Mayor Stanley Alvey of Hanksville, Mr. Tim Jones, Jones and DeMille Engineering, and Roger Foisy, District Engineer with the Central Utah Public Health Department. The Town of Hanksville is requesting a Hardship Grant in the amount of \$45,000 to cover a portion of the costs to repair and replace a wastewater collection line damaged during the record floods of October 2006. The Town of Hanksville proposes to replace approximately 70 feet of suspended sewer line with appurtenant supports and casing. The project will also include embankment stabilization near the sewer line.

Motion: **It was moved by Dr. Sims and seconded by Mr. Olsen to approve staff’s recommendation to authorize a Hardship Grant of \$45,000 to the Town of Hanksville to make emergency repairs and replace a wastewater collection line. The motion was unanimously approved.**

NEXT MEETING

The Water Quality Board will be holding its next meeting on January 19, 2007 at 9:00 a.m. in the Cannon Health Building Room 125.

Joe Piccolo
Water Quality Board Chairman